



OLR RESEARCH REPORT

May 2, 2013

2013-R-0223

IMPACT OF NEW GUN BILL ON CURIO AND RELIC LICENSEES

By: Veronica Rose, Chief Analyst

You asked (1) if PA 13-3 requires a licensed collector of curio and relic firearms to undergo criminal history record checks when buying long guns, including curio and relic firearms and (2) whether such licensees are exempt from the assault weapons ban if the assault weapon is a curio or relic.

This office is not authorized to give legal opinions and this report should not be construed as such.

SUMMARY

Based on a review of PA 13-3 and federal law pertaining to curios and relics, we believe that a federally licensed collector of curio and relic firearms is subject to all the provisions governing nonlicensees and therefore must undergo background checks when acquiring any long gun, including curio and relic firearms. Also, like nonlicensees, they are subject to all the provisions governing assault weapons.

PA 13-3 requires anyone acquiring a long gun to have a state-issued credential and undergo criminal history background checks as a condition of getting the firearm. It exempts specified federal firearm licensees, but not licensed collectors. A collector's license allows collectors of curio and relic firearms, as defined in federal law, to (1) acquire in interstate or foreign commerce firearms classified under federal law as curios or relics and (2) dispose of such firearms within their state of residence to anyone not prohibited by federal law and out of

state to any federal firearms licensee. The federal law does not exempt the licensee from any other pertinent law, state or federal, governing the specific firearms being collected.

With regard to the expanded assault weapons ban, PA 13-3 does not define curios or relics or exempt such firearms from the laws pertaining to assault weapons. And it does not exempt transactions by licensed collectors from its prohibitions.

CURIOS AND RELICS AND FEDERAL LAW

Federal regulations define curios and relics as:

1. firearms manufactured at least 50 years before the current date (not including replicas);
2. firearms certified by the curator of a municipal, state, or federal museum that exhibits firearms as curios or relics of museum interest; or
3. other firearms that derive a substantial part of their monetary value from being novel, rare, bizarre, or associated with some historical figure, period, or event (27 CFR 478.11).

The application for a collector's license specifically states that it "confers no right or privilege to conduct an activity contrary to state or other law." The sole purpose of this license is to enable a collector to obtain curio or relic firearms from outside their home state. Generally, people must be licensed to lawfully receive firearms outside of their home state. Curios and relics are still firearms for purposes of the federal Gun Control Act (GCA) and thus subject to all GCA regulations.

LONG GUN REGULATION UNDER PA 13-3

PA 13-3 creates a long gun eligibility certificate. On or after April 1, 2014, it requires anyone, except federal marshals, parole officers, or peace officers, buying or receiving a long gun to have this certificate or a handgun permit, gun dealer permit, or handgun eligibility certificate. And, except for federally licensed gun dealers, manufacturers, and importers, it additionally requires a transferee to undergo a national criminal history record check as a condition of receiving the firearm. The act contains no exemption for (1) licensed collectors or (2) curios and relics. Consequently, these licensees must undergo criminal history record checks and meet all of the law's other requirements.

ASSAULT WEAPONS

Beginning April 4, 2013, PA 13-3 expands the assault weapons ban by, among other things, expanding the list of weapons banned by name, replacing the two-feature test that defined some weapons as assault weapons with a one-feature test, and banning some weapons based on their capacity to accept large capacity magazines. Current owners of the newly banned weapons can keep them by applying to register them with the Department of Emergency Services and Public Protection (DESPP) by January 1, 2014. The law contains no exemptions for (1) licensed collectors or (2) curios or relics. Thus, these licensees are subject to the same provisions governing nonlicensees.

Definition of Assault Weapon

Prior law defined an “assault weapon” as:

1. any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the user’s option;
2. any of a list of named semiautomatic firearms;
3. any unlisted semi-automatic rifle or pistol that can accept a detachable magazine (one that can be removed without disassembling the firearm action) and has at least two of five specified features (commonly called the two-feature test);
4. any semiautomatic shotgun that has at least two of four specified features; or
5. a part or combination of parts designed or intended to convert a firearm into an assault weapon if the parts may be rapidly assembled and are in the possession or under the control of the same person.

With some exceptions, the law banned the sale and possession of assault weapons.

Rifles

Semiautomatic Centerfire Rifles Banned by Name. The act adds the following semiautomatic centerfire rifles, or copies or duplicates with the capability of any such rifles, in production before or on April 4, 2013 to the list of banned weapons (see Table 1).

Table 1: Semiautomatic Centerfire Rifles Banned by Name

AK-47 or -74	Fabrique Nationale/FN 308 Match and L1A1 Sporter	Remington Tactical Rifle Model 7615
AKM	Galil and Galil Sporter	Rock River Arms LAR-15 or LAR-47
AKS-74U	Hi-Point Carbine Rifles	SA 85 or SA 93
AR-10 or -15	HK USC	SAR-8, SAR-4800 and SR9
ARM	HK-PSG-1	SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles
Armalite M15	IZHMASH Saiga AK	SLG 95 or SLR 95 or 96
Barrett M107A1 or REC7	Kel-Tec Sub-2000, SU Rifles, and RFB	Smith and Wesson M&P15 Rifles
Beretta Storm	MAADI AK47	TNW M230 and M2HB
Bushmaster Carbon 15, XM15, ACR Rifles, MOE Rifles	MAK90	Valmet M62S, M71S and M78S
Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles	MISR	Vector Arms AK-47 or UZI
Colt Match Target Rifles	NHM90 and NHM91	VEPR
Daewoo AR 100 and AR 110C	Norinco 56, 56S, 84S and 86S	WASR-10
Doublestar AR Rifles	Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles	Wilkinson Arms Linda Carbine
DPMS Tactical Rifles	Poly Technologies AKS and AK47	WUM

Semiautomatic Centerfire Rifles Banned by Features. Prior law banned semiautomatic rifles that can accept a detachable magazine and have two of five specified features. The act replaces the two-feature test with a one-feature test, banning all semiautomatic centerfire rifles that can accept a detachable magazine and have one of five specified features. The act's ban applies, regardless of the date the firearm was produced (see Table 2).

Table 2: Semiautomatic Centerfire Rifles Banned by Feature

<i>Prior Law (two-feature test)</i>	<i>The Act (one-feature test)</i>
A folding or telescoping stock	A folding or telescoping stock
A pistol grip that protrudes conspicuously beneath the action of the firearm	Any grip of the weapon, including a pistol grip, thumbhole stock, or other stock that would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing
	A forward pistol grip
A flash suppressor or threaded barrel designed to accommodate a flash suppressor	A flash suppressor
Grenade launcher	A grenade launcher or flare launcher
Bayonet mount	

Semiautomatic Rifles Banned by Bullet Capacity and Length.

The act also bans semiautomatic, centerfire rifles that (1) have a fixed magazine and can accept more than 10 rounds of ammunition or (2) are less than 30 inches long.

Pistols

Semiautomatic Pistols Banned by Name. The act also bans the following semiautomatic pistols, or copies or duplicates with the capability of any them, in production before or on April 4, 2013 (see Table 3).

Table 3: Semiautomatic Pistols Banned by Name

American Spirit AR-15	Draco AK-47	Kel-Tec PLR-16 Pistol
Bushmaster Carbon 15	DSA SA58 PKP FAL	Masterpiece Arms MPA Pistols
Calico Liberty III and III Tactical Pistols	German Sport 522 PK	Mini-Draco AK-47
Chiappa Firearms Mfour-22	HCR AK-47	Olympic Arms AR-15
Centurion 39 AK	Intratec TEC-DC9 and AB-10	Rock River Arms LAR 15
Colefire Magnum	IO Inc. Hellpup AK-47	Sig Sauer P516 and P556 pistols
Doublestar Corporation AR	I.O. Inc. PPS-43C	Thompson TA5 pistols
DPMS AR-15		Velocity Arms VMA Pistols
		Yugo Krebs Krink

Semiautomatic Pistols Banned by Features. The act bans any semiautomatic pistol that can accept a detachable magazine and has at least one, instead of two specified characteristics (see Table 4).

Table 4: Semiautomatic Pistols Banned by Features

<i>Current Law (Two-Feature Test)</i>	<i>The Act (One-Feature Test)</i>
An ammunition magazine that attaches to the pistol outside of the pistol grip	The ability to accept a detachable ammunition magazine that attaches outside the pistol grip
A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer	A threaded barrel capable of accepting a flash suppressor, forward pistol grip, or silencer
A shroud attached to, or partially or completely encircling, the barrel and permitting the shooter to hold the firearm with the nontrigger hand without being burned	A shroud attached to, or partially or completely encircling, the barrel and permitting the shooter to fire the firearm without being burned, except a slide that encloses the barrel
A manufactured weight of 50 ounces or more when unloaded	A second hand grip
A semiautomatic version of an automatic firearm	

Semiautomatic Pistols Banned by Bullet Capacity. The act bans semiautomatic pistols with a fixed magazine that can accept more than 10 rounds of ammunition.

Shotguns

Semiautomatic Shotguns Banned by Features. Prior law banned semiautomatic shotguns that have at least two of the following features:

1. a folding or telescopic stock,
2. a pistol grip that protrudes conspicuously beneath the action of the weapon,
3. a fixed magazine capacity of more than five rounds, and
4. the ability to accept a detachable magazine.

The act instead bans semiautomatic shotguns that have both of the following features:

1. a folding or telescoping stock and
2. any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing.

Shotguns Banned by Capability. The act bans (1) any semiautomatic shotgun that can accept a detachable magazine and (2) shotguns with a revolving cylinder.

Other Shotguns Banned. The act bans all semiautomatic IZHMASH Saiga 12 shotguns or copies or duplicates of them that have the capability of these shotguns and were in production before or on April 4, 2013.

Assault Weapon Parts. The act also bans (1) any part or combination of parts designed or intended to convert semiautomatic (a) centerfire rifles, (b) pistols, (c) shotguns, or (d) firearms into assault weapons and (2) any combination of parts from which such an assault weapon may be assembled if possessed by, or in the possession or under the control of, the same person.

Exclusions from Definition of Assault Weapon

As is the case with existing assault weapons, the act excludes from the definition of assault weapons any firearm modified to render it permanently inoperable. The act also excludes any parts or combination of parts of an assault weapon, which are not assembled as an assault weapon, when possessed by a licensed gun dealer or gunsmith in the dealer's employ, for purpose of servicing or repair.

PROHIBITIONS

Effective April 4, 2013, the act bans the possession of the newly added weapons. But anyone who legally possessed one of the newly banned weapons on or before April 3, 2013 may continue to possess them by applying to DESPP, by January 1, 2014, for a certificate of possession for the weapon (i.e., register the weapon). A member of the U.S. Military or Navy unable to apply by January 1, 2014 because he or she is out of state on official duty has 90 days after returning to Connecticut to apply for a certificate. Illegal possession of an assault weapon is a class D felony, with a mandatory minimum one-year prison term. It is a class A misdemeanor if the person can prove that he or she lawfully possessed the assault weapon on or before April 3, 2013 and has otherwise complied with pertinent law.

Effective April 4, 2013, the act prohibits giving any of the newly added weapons to anyone; distributing; transporting; or bringing them into Connecticut; or keeping, offering, or exposing them for sale. A violation is a class C felony, with a two-year mandatory minimum prison term or, in the case of transfers to people under age 18, an additional six-year mandatory minimum.

REGISTERED ASSAULT WEAPONS

Beginning April 4, 2013, the act prohibits anyone who possesses any of the newly added assault weapons for which a certificate of possession has been issued from (1) selling or transferring the weapon in Connecticut to anyone except to a licensed gun dealer or (2) otherwise transferring the weapon except by bequest or intestate succession.

Anyone who inherits a registered assault weapon has 90 days to register it, sell it to a gun dealer, permanently disable it, or take it out of state.

Anyone, except servicemembers, who moves to Connecticut in lawful possession of an assault weapon has 90 days to permanently disable it, sell it to a gun dealer, or take it out of state. Servicemembers transferred to Connecticut in lawful possession of an assault weapon may apply to DESPP for a certificate within 90 days of arriving here.

Under the law and act, anyone who possesses an assault weapon for which a certificate has been issued may possess it only at specified locations, such as his or her home or business place, a licensed target range that for practicing target shooting, or a licensed shooting club.

Anyone who obtained a certificate of possession for an existing assault weapon before April 4, 2013 for a weapon the act defines as an assault weapon is deemed to have obtained a certificate of possession for such weapon and is not required to obtain a separate certificate.

EXEMPTIONS TO THE BAN

The act contains exemptions for the newly added weapons as current law contains with regard to assault weapons. It allows the sale of assault weapons to DOC, DESPP, police departments, and the state and U. S. military or naval forces for use in their official duties, as well as for off-duty use. It also allows possession by members or employees of these entities when on duty and the use is within the scope of their duties. It additionally allows sales to and possession by (1) employees of a Nuclear Regulatory Commission licensee operating a nuclear power plant in Connecticut for the purpose of providing security or (2) any person, firm, corporation, contractor, or subcontractor providing security at the plant.

As is the case with assault weapons for which a certificate of possession is issued under existing law, the act allows the newly added weapons to be possessed or received, under defined circumstances, by (1) executors or administrators of an estate that includes a registered assault weapon, (2) gun dealers, and (3) gunsmiths. Similarly, it allows an individual with a registered assault weapon to, among other things:

1. take it to a gun dealer for servicing or repair;
2. transfer it by bequest; or

3. transport it to or from a shooting competition or exhibition, display, or educational project about firearms sponsored, conducted by, approved, or under the auspices of a law enforcement agency or a national or state-recognized entity that fosters proficiency in firearms use or promotes firearms education.

VR:ts